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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,570	03/29/2004	Yuta Kawana	1163-0501PUS1	1226
2292 7590 10/10/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/810,570

Applicant(s)

KAWANA, YUTA

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months' after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-4 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-33 are rejected under 35 U.S.C. §102(a) as being anticipated by Nobumoto [U.S. Patent No. 6,437,229].
4. Nobumoto anticipates (e.g., see Figs. 1-3) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference a music delivery system (e.g., see Fig. 1) comprising: a server (e.g., a digital music server 1, col. 3, line 1); a first terminal (e.g., a music digitizing station 2, col. 3, lines 1-2) for uploading music data to said server (e.g., see a music data storage Fig. 2) for storing the music data uploaded from said first terminal (e.g., see Fig. 2); a second terminal (e.g., a listening station 3) for retrieving and downloading desired music data from said music data storage by interacting with said server (e.g., see col. 2, lines 9-21) in accordance with interactive procedure data (e.g., CD bar code label) received from said server; and a processor (e.g., PC, col. 1, line 47, to col. 2, line 21, col. 3, lines 6-7) for generating the interactive procedure data in accordance with information contained in the music data every time said first terminal uploads the music data, the interactive procedure data describing an interactive procedure with said second terminal (e.g., see col. 1, line 47 to col. 2, line 21; col. 3, line 63, to col. 5, line 38).
5. As to claim 2, Nobumoto further anticipates the interactive procedure data generated by said processor consists of speech-based interactive procedure data that describes a procedure for carrying out speech interaction with said second terminal

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(e.g., see col. 3, line 63, to col. 5, line 38).

6. As to claim 3, Nobumoto further anticipates a speech-based interactive procedure data sample database for storing a sample of the speech-based interactive procedure data (e.g., sample music on any CD <sup>the</sup> in shop that the user wants to listen before deciding to buy the particular CD), wherein said processor generates, every time the music data is uploaded from said first terminal, the speech-based interactive procedure data by associating information contained in the music data with the speech-based interactive procedure data sample (e.g., see col. 3, line 63, to col. 5, line 38).

7. As to claim 4, Nobumoto further anticipates a reworded database for storing a reworded words that restates information contained in the music data uploaded from said first terminal (e.g., see step E1 to E7 of Fig. 2, col. 3, line 63, to col. 5, line 9), wherein said processor generates speech-based interactive procedure data by associating a speech-based interactive procedure data sample with information contained in the music data uploaded from said first terminal and with the reworded words stored in said reworded database.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

September 29, 2007



KRISNA LIM  
PRIMARY EXAMINER